

SURENDRI DEVI Vs. SREE GOKULAM CHIT AND
FINANCE

04.06.2025

Present : Ms. Risala and Ms. Neetu, Ld. Counsel for the
plaintiff.
Sh. Rakesh Garg, Ld. Counsel for the defendants.
Sh. Man Chand/ AR of defendant no. 1 in person.

It is submitted on behalf of the defendant that defendant wish to place on record some documents i.e. account statement of the chits alongwith certificate under Section 65 of Indian Evidence Act as account statement of chits of plaintiff are subject matter of the suit and contains all the details of the transaction between plaintiff and defendant; that the same could not be filed with the written statement due to mistake of counsel who had filed written statement at that time; that the said document is necessary for just adjudication of the present case and there would be no harm to the plaintiff, if the said document would be taken on record; that if the said document is not taken on record, defendant shall suffer irreparable loss. Therefore, it is prayed that the present application may be allowed.

Plaintiff has opposed the present application by filing reply. It is submitted that plaintiff has filed a meritorious claim well corroborated with all the documents before the court

and defendant no.1 has no valid defence and is trying to confuse the issue by filing the frivolous application; the present application is untenable as same has been filed just to linger on the present proceedings; the present application is not maintainable and constitutes an abuse of process of law as the documents which the applicant wishes to place on record are in his possession since beginning and no justification has been given for not filing of said documents before the court; that the said documents have no relevance for the adjudication of the present matter; that the present application is based on a false and fabricated narrative, intended solely to evade the legal consequences of his wrongful actions of the defendants; that the present application is not maintainable as defendant no.1 company has failed to disclose any cogent reason in the application to establish as to why the defendant no.1 company did not place on record the document at the time of filing of written statement, hence, the present application is liable to be dismissed with heavy cost.

Submissions heard. Record perused.

It is seen that the document i.e. account statement of chit which defendant seeks to place on record appears to be relevant for adjudication of real question in the present suit.

It is settled law that merely taking documents on record, does not amount either of proof or admission. The provision of Order VIII Rule 1A CPC has been made only for the

purpose to take on record documents of the defendant which could not be filed alongwith the plaint for any reason whatsoever.

Further, no prejudice shall be caused to the plaintiff, if the said document is taken on record as the plaintiff shall have ample opportunity to cross examine to defendant on the said document.

Therefore, in the interest of justice, application under Order VIII Rule 1 r/w Section 151 CPC (treated as application under Order VIII Rule 1 r/w Section 151 CPC) for placing on record additional document stands allowed, subject to cost of Rs. 2000/- to be paid to the plaintiff. Additional document i.e. account statement filed on behalf of the defendant is taken on record.

However, certificate under Section 65 of Indian Evidence can not be taken on record as same is an unsigned documents.

Arguments heard on application under Order 1 Rule 10 CPC filed on behalf of defendant no.2.

Put up for clarifications, if any/order on aforesaid application on **19.07.2025**.

(SOMITRA KUMAR)
DJ-06,EAST/ KKD COURTS
DELHI/04.06.2025 (s)